

the General Assembly then would enact only one instrument of government, which would then be required for any county not adopting a charter?

DELEGATE MOSER: That I think is the intention of the Committee. It is not an option, it is a single charter, because it is automatically effective July 1, 1972 for those counties which have not adopted their own instrument of government. Therefore, the General Assembly shall provide only one because the county can itself write its own charter up to July 1, 1972. Several charters cannot be automatically effective.

DELEGATE HANSON: Did your Committee consider the possibility of having the General Assembly provide optional forms that would be available for counties not wishing to draw up their own charter but which would have to be adopted by a dictate?

DELEGATE MOSER: In essence, we intend that the legislature do something like that, if it so wishes.

In the second sentence where we speak in terms of procedure, the General Assembly could go as far as you suggest. We do not spell it out, we rely on the legislature.

DELEGATE HANSON: I like that answer, Mr. Chairman. To make it perfectly clear for the record then, this section would permit the General Assembly to adopt either a single instrument of government for the counties not adopting their own charter or it could also permit the General Assembly to enact an optional forms act and provide procedures for adoption of one of those forms by counties.

DELEGATE MOSER: No.

(Laughter.)

I do not know where the misunderstanding creeps in. I tried to be clear; sometimes I do lack clarity.

By the second sentence we intend that the General Assembly shall provide a choice of procedures.

At that point, this is an optional arrangement. It means that the General Assembly could provide if it wanted a series of charters to aid counties in adopting them.

It could provide a charter combining the executive and legislative branches and so on. There could be a series of charters. The decision is completely up to the General Assembly.

Once that has been done there is a second step. That is simply this: The General Assembly shall provide a sample charter. I refer you again to the municipal corporation sample which is in the Code, something like that, which will automatically become effective on July 1, 1972, if a county has not adopted its own charter. These are two different things.

Delegate Hanson.

DELEGATE HANSON: The second question that I wanted to ask relates to sections 7.02 and 7.10, considered together in light of the discussion of these sections on pages 11 through 13 of the committee memorandum dealing with the problem of special purpose districts and what is or may not be a desirable form of local government.

Is it the policy of sections 7.02 and 7.10 read together to constitutionally favor general purpose units of local government, such as the county and regional popularly elected representative governments or the state government in preference to special purpose districts?

DELEGATE MOSER: Yes.

THE CHAIRMAN: Are there any further questions?

Delegate Hanson?

DELEGATE HANSON: Why did not the Committee impose some greater caution or limitation upon the capacity of the General Assembly to establish special purpose authorities, such as suggesting that they might not be established if a general purpose unit of government were capable of performing the function.

DELEGATE MOSER: We would hope this is what the General Assembly would do.

Let me point out one of the problems in the suggestion that you made. Some delegate proposals similar to it would have restricted the General Assembly in this regard. We feel, on the contrary, that the General Assembly has to be free to exercise its own judgment. We want to strengthen the General Assembly. We are hopeful it will follow your admonition, but I do not think we can tie its hands in any respect.

THE CHAIRMAN: Delegate Hanson, do you have further question?

DELEGATE HANSON: Yes.

Do sections 7.05 and 7.06 mean that once